

White. The Examiner states on Page 4 of the Office Action that Engelhardt teaches in Column 5, lines 5-8 in Figures 1-3, that for a confocal scanning microscope, an objective lens is movable relative to an object to achieve coarse focusing and a focus lens is moved relative to a scan lens for fine focusing. It is respectfully submitted that Engelhardt does not disclose a scan lens, and in lines 5-8 of Column 5, it is stated that the entire objective or the entire turret is displaceable in known fashion for coarse focusing and in this variant, the lens elements displaceable within the objective housing are used for fine focusing. Engelhardt therefore suggests moving the entire objective or moving lenses within the objective. Further, Engelhardt teaches placing all of the elements of a microscope objective in a barrel. If the same technique were to be used for a macroscope, all of the elements of the scan lens would be placed in a cylinder and moved simultaneously. It is respectfully submitted that it is not reasonably feasible to move the scan lenses of the present invention as they are quite large and contain multiple elements.

Further, if a subset of elements (or even only one element) within the objective is moved relative to other elements, this will change the focal length of the objective and therefore the magnification of the microscope will be changed. In an x-z scan this would result in the magnification at the top of the image being different from that at the bottom. For confocal slices, the magnification would change from slice to slice. If the movement of elements relative to other elements within the objective were changed during a scan, the magnification would change during the scan. The teaching of Engelhardt would greatly increase the complexity and cost of the microscope as a whole as every microscope objective mounted in the turret would incorporate all the features of all or a subset of elements to be moved. The focusing lens as described in Dixon are ordinary lenses and cannot be used to focus the macroscope.

With the present invention, only one lens in the intermediate optics, not in the scan lens, must be moved to change focus and there is no change in magnification with a focus change of the present invention. Further, scan lenses can be interchanged without requiring each lens to be modified for fine focus as would be required in the arrangement suggested by Engelhardt. The focus suggested in the Dixon reference is the focusing stage 208 that moves the specimen 130 relative to the scan lens 400.

It is respectfully submitted that the Claims, as amended, are not rendered

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unpatentable by the references cited by the Examiner and that the rejections should therefore be withdrawn. The application is now in condition for allowance.

We are submitting a credit card authorization for payment for a two month extension of time in the amount of \$ 225.00.

Yours very truly,

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line extending to the right.

Daryl W. Schnurr  
Reg. No. 28,569